

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFTON HUNT,

Plaintiff,

v.

COMMISSIONER SOCIAL SECURITY,

Defendant.

Case No. 06-12391

DISTRICT JUDGE

ARTHUR J. TARNOW

MAGISTRATE JUDGE

R. STEVEN WHALEN

ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF
FROM JUDGMENT [DE 20]

Before the Court is Plaintiff's Motion for Relief from Judgment [DE 20]. Plaintiff seeks relief from the Court's September 28, 2007 Order [DE 18] adopting the Magistrate Judge's Report and Recommendation and corresponding Judgment [DE 19]. This Motion is brought pursuant to Federal Rules of Civil Procedure 60, Relief from a Judgment or Order; and 6, Computing and Extending Time. Defendant did not respond to this Motion.

Both Rules 60 and 6 permit relief on a finding of "excusable neglect." "Mere inadvertence" such as attorney oversight, "does not usually constitute 'excusable neglect.'" *Morgan v. Gandalf, Ltd.* 165 Fed.Appx. 425, *429, 2006 WL 238321, **3 (6th Cir. 2006) (quoting *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 392, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993)). However, *Morgan* upheld a district court's grant of relief where there was no evidence of prejudice to the opposing party, nor any indication of bad faith or improper motive. Finding the same to be true here,

IT IS ORDERED that Plaintiff's motion for relief from Judgment is GRANTED.

IT IS FURTHER ORDERED that Plaintiff must file objections to the magistrate judge's Report and Recommendation [DE 17] within ten days of the entry of this Order.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: January 29, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 29, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR
Case Manager